

out of territory now comprising Common School District No. 17 of Lynn county, as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Joe Stokes Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 17 of Lynn county, validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provision hereof, and declaring an emergency."

Have carefully compared same and find it correctly enrolled; and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.
HENDRICKS, Chairman.

FORTY-THIRD DAY.

(Continued.)

(Sunday, March 11, 1923.)

The House met at 10 o'clock a. m., and was called to order by Speaker Seagler.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 425, "An Act to amend Chapter 2 of Title 104 of the Revised Civil Statutes of 1911, as amended by Chapter 32, General Laws, First Called

Session, Thirty-fifth Legislature, pertaining to the management and control of the Prison System of this State, by adding thereto another article to be known as Article 6231b, so as to exempt the Board of Prison Commissioners, and the members thereof, from giving or making any cost bond, appeal bond, supersedeas bond, writ of error bond, or other bond or security in any civil suit or action heretofore or hereafter brought by or against it, or them, and declaring an emergency."

H. B. No. 644, "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district, and declaring an emergency."

H. B. No. 551, "An Act amending Section 2, of Chapter 72, of the Local and Special Laws of the State of Texas passed by the Thirty-eighth Legislature at its Regular Session, said act being an act creating the Tynan Independent School District in Bee county, San Patricio and Live Oak counties, Texas; said act being amended by changing boundaries of said district set out in Section 2 thereof, and declaring an emergency."

H. B. No. 674, "An Act exempting Travis county for a period of two years from the provisions of Chapter 12, Section 3, Acts of 1917, Third Called Session, as amended by Chapter 87, Section 3, Acts 1918, Fourth Called Session, and providing for an emergency."

H. B. No. 660, "An Act creating and incorporating Lakeview Independent School District in Dawson county, Texas, out of territory now comprising Lakeview Common School District No. 25; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Lakeview Independent School District shall assume and discharge any and all bonds and other indebtedness constituting valid and binding obligations of said Lakeview Common School District No. 25 of Dawson county; validating and continuing in force any and all taxes heretofore voted and now in force in said common school district; providing that title to any

and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provisions hereof, and declaring an emergency."

H. B. No. 537, "An Act to provide for the designation of district judges to hold special terms of court in the various judicial districts in the State when accumulation or urgency of business of the public interest justify or require such designation; providing for the manner of designation, and providing further for the appointment of a clerk by the Supreme Court, prescribing his duties and fixing his salary; and prescribing the manner in which reports shall be made by the various district courts to the Supreme Court showing the condition of the dockets of the various district courts and declaring an emergency."

H. B. No. 652, "An Act to create the Knox City Independent School District in Knox county, Texas, including the present Knox City District of said county, providing for a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Knox City District shall continue to act as such until their successors are elected in accordance with the general laws of Texas, providing for the extension of the boundaries of said district and declaring an emergency."

H. B. No. 375, "An Act creating the Carbon Independent School District in Eastland county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges, duties and liabilities now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes and bonds heretofore authorized by any former

school district included within the bounds thereof shall remain in force and effect, and declaring an emergency."

H. B. No. 682, "An Act to amend Sections 1 and 5 of Chapter 6 of the Special Laws enacted by the Thirtieth Legislature, same being an act creating the Baird Independent School District in Callahan county, Texas, as amended by Chapter 25 of the Thirty-first Legislature; redefining the boundaries of said district; validating all tax levies now in force; repealing all laws in conflict herewith, and declaring an emergency."

HOUSE BILL NO. 641 ON SECOND READING.

On motion of Mr. Chitwood, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 641, A bill to be entitled "An Act to amend Section 2, Chapter 23 of the Thirty-sixth Legislature, Second Called Session, providing for the setting apart of an amount sufficient to purchase and distribute the necessary school books for the use of the public free schools of this State; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

HOUSE BILL NO. 411 ON SECOND READING.

On motion of Mr. Henderson of McLennan, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 411, A bill to be entitled "An Act granting permission to Cleo Fletcher to bring suit against the State of Texas in the district court of McLennan county, Texas, or Coryell county, Texas, for personal injury claimed to be due said Cleo Fletcher for the loss of a leg while in the Reformatory for Juveniles, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

HOUSE BILL NO. 409 ON SECOND READING.

On motion of Mr. Lamb, the regular order of business was suspended to take

up and have placed on its second reading and passage to engrossment,

H. B. No. 409, A bill to be entitled "An Act to provide additional compensation to official shorthand reporters of Texas in judicial districts composed of two or more counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Lamb offered the following amendments to the bill:

Amend Section 1 of House bill No. 409 by adding thereto:

"Provided that such expense shall not be allowed for a greater sum than two hundred and fifty dollars during any fiscal year; provided further, that such expenses shall be apportioned between the respective counties as provided by law for the payment of the salary of such stenographer."

Amend House bill No. 409, page 1, line 22, by inserting after the word "conveyance" and before the word "in" the following language; "and not to exceed four (4) cents for each mile traveled by railroad."

Signed—Lamb, Russell of Trinity. Price, Patman, Burmeister.

The amendments were severally adopted.

House bill No. 409 was then passed to engrossment.

EXPRESSING SYMPATHY TO HON. C. H. ROWLAND.

Mr. Satterwhite offered the following resolution:

Whereas, A message has just been received from our fellow member, Hon. C. H. Rowland, of Jones county, announcing the death of his mother at the family home last evening; therefore, be it

Resolved, That the Chief Clerk of the House be instructed to wire a message of condolence and sympathy to Mr. Rowland in his hour of bereavement and sorrow.

The resolution was read second time and was adopted unanimously.

HOUSE BILL NO. 402 ON SECOND READING.

On motion of Mr. Finlay, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 402, A bill to be entitled "An Act to create a private game farm on the Island of St. Joseph, Aransas county, Texas; declaring certain game birds and animals obtained in Mexico and liberated on said island to be the private property of the owner of said island; providing that it shall not be unlawful for transportation companies to accept game for transportation that is propagated on St. Joseph Island, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Finlay offered the following (committee) amendment to the bill:

Amend House bill No. 402 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Upon sworn application from any accredited resident of the State of Texas, of the age of twenty-one years or upward, the Game, Fish and Oyster Commissioner of Texas may issue a propagation permit certificate, which shall expire at midnight on the last day of December of each year, permitting such applicant, and his assistants, to breed, propagate, and raise game birds and quadrupeds of any kind, both or either, in a wholly enclosed preserve, or entire island, of which he is the owner or lessee, to sell the same, at any time, under the following restrictions and regulations: (a) the sworn petition or application, to be filed with the Game, Fish and Oyster Commissioner, shall contain a written description of premises to be used for such purpose, with the location, which premises may be in such form as to the applicant seems best suited to his purposes, so long as wild game is prevented from coming on to such property; (b) the propagating permit certificate shall become void upon the conviction of the principal therein named of having violated any of the provisions of this section, of having refused to permit inspection of his breeding birds or his shipments by accredited officers of the Game, Fish and Oyster Commission, or having knowingly or negligently permitted any one to violate any of the game laws on said premises; (c) before any live game of any kind is shipped out of the State, such game must be offered to the Game, Fish and Oyster Commission for propagation purposes, which Commission shall advise within ten days whether interested in such purchaser, whereupon, if not interested, shipment to any other State

or nation shall be legal without further permit; (d) all shipping receptacles or containers in which small game is shipped or removed from said premises, and each specimen so shipped or removed and not in a container shall, before removal therefrom, have attached thereto a metal tag or suitable marker, or both, to be supplied at cost by the Game, Fish and Oyster Commission, and said markers or tags shall not be removed, mutilated or destroyed by any person or persons while such game birds or quadrupeds are in transit, shall not be used more than once, or not transferrable, and shall not be wilfully used for the purpose of protecting or carrying game of any kind taken or killed outside of licensed preserves; and, in case of shipping tag, such tag shall be in duplicate, each part having plainly written thereon the name and address of the purchaser of such shipment, the contents or number as the case may be, and the serial number of such propagating permit certificate so issued to the shipper, one part to remain attached to such container or individual specimen as long as it is in transit, the other part to be immediately sent to the Game, Fish and Oyster Commission, together with a report of kind and exact number of birds or quadrupeds sold, the name and address of consignee, and dates of sale and transportation.

Sec. 2. If any person shall violate any provision of this act, he shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), each bird or quadruped in violation of such provision to constitute a separate offense.

Sec. 3. The fact that game birds and quadrupeds are available at present, even though under high importation costs and will not be in the near future, the further demand for such game birds and quadrupeds for restocking depleted areas in Texas, and the further fact that game is rapidly disappearing, creates an emergency and an imperative public necessity exists, demanding that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Finlay offered the following amendment to the bill:

Strike out all above the enacting

clause and insert in lieu thereof the following: "A bill to be entitled 'An Act authorizing the Game, Fish and Oyster Commissioner to issue permits for the propagation and distribution of game birds and animals by residents of Texas; making regulations for the control of such industry, together with penalties for violation thereof; repealing all laws in conflict herewith, and declaring an emergency.'"

The amendment was adopted.

House bill No. 402 was then passed to engrossment.

HOUSE BILL NO. 311 ON SECOND READING.

On motion of Mr. Baldwin, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 311, A bill to be entitled "An Act amending Section 14 of Article 7355 of the Revised Civil Statutes of 1911, relative to occupation taxes, fixing the amount of taxes to be levied on all circuses, shows, amusement companies, trained animal shows, wild west shows, carnival companies, and character of similar exhibitions; conferring upon counties, incorporated cities, towns and villages authority to levy occupation taxes; providing for the bringing of suits for the collection of such taxes due the State of Texas and fixing the venue thereof; specifically repealing the provisions made in Section 15 of Article 7355 pertaining to carnivals, shows, amusements or entertainments held under the auspices, direction or control of any chamber of commerce of any city or other similar organizations and generally repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Baldwin offered the following (committee) amendment to the bill:

Amend House bill No. 311 by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. That Section 14 of Article 7355, Revised Civil Statutes of 1911, be and the same is hereby amended so as to hereafter read as follows:

Section 14. All circuses, shows and amusement companies, trained animal shows, wild west shows, carnival companies and any and all other character of similar exhibitions by companies, corporations, associations or individuals, traveling from place to place in railroad cars, shall pay to the State of Texas in advance of any performance

or exhibition, an occupation tax of four dollars per day for the first day of exhibition, on each and every railroad car used, excluding cars used exclusively for advertising purposes, for each and every day an exhibition or performance is given, and one dollar per day for each of said cars for each and every succeeding day after said first day; provided that in no instance will a tax equal to less than an amount for ten cars be collected.

Where such circuses, shows, amusement companies, trained animal shows, wild west shows, carnival companies or any of the above named character of shows travel in wagons drawn by horses, mules, oxen or automobile or automobile truck the occupation tax shall be as follows:

If from one to five wagons, automobiles or automobile trucks are used in transporting such shows or amusement companies, a tax of seven dollars per day shall be paid to the State. If from six to twelve wagons, automobiles or automobile trucks are used, a tax of fifteen dollars per day shall be paid to the State, and if more than twelve wagons, automobiles or automobile trucks are used a tax of fifteen dollars per day shall be paid to the State and one dollar additional for each such wagon, automobile or automobile truck used.

If a wagon, automobile or automobile truck makes more than one trip in the transportation of a circus, show, amusement company, trained animal show, wild west show, carnival company, or any other character of similar exhibition from the place where an exhibition or performance is given to another place where an exhibition or performance is given, each separate trip so made shall constitute and be construed to mean a separate wagon, automobile or automobile truck, under this provision, and shall be taxed as a separate wagon, automobile or automobile truck.

Before any circus, show, carnival, amusement company or any of the above named character of shows subject to the provisions of this section, shall operate in Texas, a full and complete statement as to the number of cars, wagons, automobiles and automobile trucks used in the operation or transportation of such shows, carnival companies and other character of shows coming within the provisions of this section, must be made to the Comptroller of Public Accounts of this State, together with a route list showing the towns and cities

where such shows will exhibit. Said list must be filed with the Comptroller of Public Accounts for at least ten days before such shows enter the State or if already within the State, ten days before it starts on its tour of exhibits; and if, for any cause such route is changed the Comptroller must be promptly notified. A copy of the above statement required to be filed with the Comptroller of Public Accounts must also be filed with the tax collector of each county covered by such route for at least ten days prior to the day such show is to exhibit in such county.

Sec. 2. Unless otherwise provided herein, the commissioners courts of the several counties of this State, and any incorporated city, town or village of this State, shall have the right to levy one-half of the occupation tax levied by the State upon all such circuses, shows, amusement companies, trained animal shows, wild west shows, carnival companies and any and all other character of similar exhibitions by companies, corporations, associations or individuals.

Sec. 3. Suit for the collection of any taxes accruing to the State under Section 14 of Article 7355, Revised Civil Statutes, 1911, as hereby amended, may be brought by the Attorney General in the name of the State in any court of competent jurisdiction in Travis county upon the complaint of any duly authorized official, or in any court of competent jurisdiction in this State.

The provisions herein made are intended to repeal Section 15, Article 7355, pertaining to carnivals, shows, amusement or entertainments held under the auspices, direction or control of any chamber of commerce of any city or town, or other similar organizations, and generally repealing all laws in conflict herewith.

Sec. 4. The fact that many persons, firms and corporations are engaged in such taxable occupation which, under the present law, does not bear their proportional part of the expense of government, and the further fact that the present law is very confusing and extremely difficult to get uniform application, constitutes an emergency and an imperative public necessity, requiring that the constitutional rule which provides that bills shall be read on three separate days be suspended, and the same is hereby suspended, and this act shall take effect and be in force, from

and after its passage, and it is so enacted.

Mr. Baldwin offered the following amendment to the (committee) amendment:

Amend (committee) amendment, page 4 of House bill No. 311, at the end of line 28 as follows: "Provided, that the provisions of this act shall not apply to traveling theaters and dramatic representations and shall not be construed to repeal Section 13 of Article 7355 of the Revised Civil Statutes of 1911."

Mr. Laird moved the previous question on the pending amendment and the bill and the motion was not seconded.

Question recurring on the amendment to the amendment, it was adopted.

Mr. Young offered the following amendment to the amendment:

Amend (committee) amendment to House bill No. 311 by striking out in line 28, page 4, the word "ten" and insert "five."

Question recurring on the amendment by Mr. Young, it was adopted.

Mr. Jacks offered the following amendment to the amendment:

Amend House bill No. 311 by amending the (committee) amendment by adding thereto Section 3a, which shall read as follows:

"Sec. 3a. Provided, that nothing in this act shall authorize the licensing of any manner of gambling device whereby any money shall be paid for a chance to win or lose any manner of property or money, and should any person, firm or corporation run such a gambling device they shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50 or more than \$200 for each and every offense."

Signed—Purl, Jacks.

Mr. Baker of Milam moved the previous question on the pending amendments and the bill and the main question was ordered.

Question first recurring on the amendment to the amendment by Mr. Jacks, it was adopted.

The (committee) amendment as amended was then adopted.

Mr. Baldwin offered the following amendment to the bill:

Amend the caption of House bill No. 311 as follows: "A bill to be entitled 'An Act amending Section 14, of Article 7355, of the Revised Civil Statutes of 1911, relating to occupation taxes; fixing the amount of taxes to be levied on all circuses, shows, amusement companies, trained animal shows, wild west shows, carnival companies and all char-

acter of similar exhibitions; providing that this act shall not apply to traveling theatres and dramatic representations and shall not be construed to repeal Section 13 of Article 7355 of the Revised Civil Statutes of 1911; conferring upon counties, incorporated cities, towns and villages authority to levy occupation taxes; providing for the bringing of suit for the collection of such taxes due the State of Texas and fixing the venue thereof; specifically repealing the provisions made in Section 15 of Article 7355 pertaining to carnivals, shows, amusements or entertainments held under the auspices, direction or control of any chamber of commerce of any city or other similar organization, and generally repealing all laws in conflict herewith, and declaring an emergency.'"

The amendment was adopted.

House bill No. 311 was then passed to engrossment.

HOUSE BILL NO. 664 ON SECOND READING.

On motion of Mr. Harris, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 664, A bill to be entitled "An Act amending Section 124a of Chapter 124 of the General Laws of the Regular Session of the Twenty-ninth Legislature, page 296, so as to make it a felony to violate said section, said section being upon the subject of preventing fraud in teachers' examinations, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

Mr. Burmeister moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m., and the call was duly seconded and ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

MOTION TO TAKE UP HOUSE BILL NO. 662.

Mr. Patterson moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 662, A bill to be entitled "An Act to grant to every person, firm, corporation, limited partnership, joint stock association or association of any kind whatever owning and holding permits issued by the State of Texas authorizing the owners and holders thereof to prospect for and develop petroleum oil and gas that may be in public school, university and asylum lands and other public lands, fresh water lakes, river beds and channels, islands, bays, marshes and salt water lakes belonging to the State of Texas, the right and power of eminent domain, in the event of which he, it or they may enter upon and condemn the lands, rights of way, easements and property of any person, persons or corporations necessary for the construction, maintenance and use of roads and highways for the purpose of ingress and egress to and from the lands covered by and included within the permit or permits so issued to him, it or them; for the construction and maintenance of camps and camp sites for use and occupancy by those holding such permits and their agents, servants and employees in developing the property covered by and included within their permits and in taking care of oil or gas wells and operating the same, and in saving, storing, handling and marketing oil or gas when the same or either of them shall have been developed and for constructing, laying, maintaining and operating pipes and pipe lines for the transportation of oil or gas from wells producing the same or either of them; prescribing the manner and method of such condemnation and assessment and payment of damages therefor to be the same as provided for in cases of railroads, and declaring an emergency."

The motion was lost.

HOUSE BILL NO. 412 ON SECOND READING.

On motion of Mr. Moore, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 412, A bill to be entitled "An Act appropriating the total sum of twenty-six hundred and eighty-eight dollars (\$2688) to Carl L. Estes, former sergeant of Troop L, Fifth Texas National Guard Regiment, for his care and provision, and as partial compensation for permanent physical disability incurred in line of military duty while in the service of the State of Texas at

Camp Stanley, Texas, in October, 1918. Of said total appropriation the sum of five hundred and twenty-eight dollars (\$528) being for a deficiency from the period of November 1, 1919, to November 30, 1921, and the sum of twenty-one hundred and sixty dollars (\$2160) being for the care, provisions and partial compensation of said Carl L. Estes from December 1, 1921, to and including December 31, 1924."

The Speaker then laid House bill No. 412 before the House and it was read second time.

Mr. Moore offered the following amendment to the bill:

Amend House bill No. 412, page 1464 of House Journal, by adding the word and figure "Sec. 1" to the first line after the enacting clause.

The amendment was adopted.

Mr. Moore offered the following amendment to the bill:

Amend House bill No. 412 by striking out the word "partial" in line 6, Section 1, of original bill, and insert in lieu thereof the word "full."

The amendment was adopted.

Mr. Moore offered the following amendment to the bill:

Amend House bill No. 412, page 1465, line 18, Section 1, by striking out the word "partial" and insert the word "full."

Mr. Fields moved the previous question on the pending amendment and the bill and the main question was ordered.

Question first recurring on the amendment, it was adopted.

House bill No. 412 was then passed to engrossment.

HOUSE BILL NO. 640 ON SECOND READING.

On motion of Mr. Chitwood, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 640, A bill to be entitled "An Act to amend Section 23, Chapter 44, Acts of the Thirty-fifth Legislature, First Called Session, relating to the use of the adopted text books in the public free schools; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Chitwood offered the following amendment to the bill:

Amend House bill No. 640 by strik-

ing out all after the enacting clause and insert the following:

Section 1. That Chapter 44, Acts of the Thirty-fifth Legislature, First Called Session, be amended by inserting after Section 23 of said chapter a new section to be numbered Section 23a, to hereafter read as follows:

Section 23a. That nothing in this act shall be construed to prohibit the use of such books owned by the State at the expiration of any contract, for a term not to exceed the scholastic year next succeeding the expiration of the contract under which the said books were purchased, and provided further that nothing in this act shall be construed to prohibit the continued use of any supplementary books owned by the State for which the contract has expired.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The depleted condition of the school funds of the State make this legislation necessary and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Chitwood offered the following amendment to the bill:

Amend House bill No. 640 by striking out all above the enacting clause and insert the following:

"An Act to amend Chapter 44, Acts of the Thirty-fifth Legislature, First Called Session, by inserting after Section 23 of said chapter a new section to be numbered Section 23a, relating to the use of adopted text books in the public free schools of this State, repealing all laws in conflict herewith, and declaring an emergency."

The amendment was adopted.

House bill No. 640 was then passed to engrossment.

HOUSE BILL NO. 572 ON SECOND READING.

On motion of Mr. Laird, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 572, A bill to be entitled "An Act to give consent of the State of Texas to the acquisition by the United States government of land in

the State for national forests and parks; retaining to the State concurrent civil and criminal jurisdiction, and authorizing Congress to enact all such legislation as deemed necessary to protect and administer such national forests and parks."

The Speaker laid the bill before the House and it was read second time.

Mr. Laird offered the following amendment to the bill:

Amend House bill No. 572 by inserting after the word "covered" and before the word "other" the word "or" in line 28 of the printed bill.

The amendment was adopted.

House bill No. 572 was then passed to engrossment.

RELATING TO CONSIDERATION OF HOUSE BILLS.

Mr. Quaid moved that the House rule providing that no House bill on its second reading shall be considered for any purpose during the last 72 hours of the session be modified and extended so as to permit the consideration of House bills on second reading until 1 o'clock p. m. today.

The motion prevailed.

HOUSE BILL NO. 506 ON SECOND READING.

On motion of Mr. Quinn, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 506, A bill to be entitled "An Act to amend Article 3104 so as to provide that no candidate for a State or a district office shall be required to pay not exceeding one dollar as his portion of holding the primary election at which such candidate is seeking nomination, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Quinn offered the following amendment to the bill:

Amend caption of printed bill by striking out all after the figures "3104" and add the following: "So as to provide that no candidate for State Senator or State Representative shall be required to pay more than one dollar as his portion of the estimated expenses of holding the primary election at which such candidate is seeking nomination, and declaring an emergency."

The amendment was adopted.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 506 by striking

out lines 16 to 27, page 1, and insert the following:

"Section 1. That Article 3104 of Chapter 10, Title 49, of the Revised Civil Statutes of Texas, shall be and the same is hereby amended so as to read as follows:

"Article 3104. The name of no person shall be placed on the ballot for a district, county or precinct office who has not paid to the county executive committee the amount of the estimated expenses of holding such primary, apportioned to him by the county executive committee, as hereinbefore provided. No candidates for nomination for State Senator or Representative in the Legislature or for other State office shall be required to pay more than one dollar to any county executive committee or other person for any particular county, as his portion of such expenses of holding such primary."

The amendment was adopted.

House bill No. 506 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 475.

Mr. Burmeister moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 475, A bill to be entitled "An Act making an appropriation for twelve inspectors for the Live Stock Sanitary Commission, to pay compensation or expenses of such inspectors, said appropriation to be available for the fiscal year ending August 31, 1923, and declaring an emergency."

The motion was lost.

LEAVE OF ABSENCE GRANTED.

On motion of Mr. Jones, Mr. Crawford was granted leave of absence for the remainder of the session.

Mr. Finlay moved that the House adjourn until 10 o'clock a. m. tomorrow.

The motion was lost.

Mr. Quinn moved that the House recess to 1 o'clock p. m. today.

The motion was lost.

On motion of Mr. Quaid, the call of the House was extended to 1 o'clock p. m. today.

HOUSE BILL NO. 671 ON SECOND READING.

On motion of Mr. Morgan of Robertson, the regular order of business was suspended to take up and have placed

on its second reading and passage to engrossment,

H. B. No. 671, A bill to be entitled "An Act to amend Section 16 of Chapter 60, General Laws passed at the Regular Session of the Thirty-fifth Legislature, making it an offense to remove any domestic animal or animals which have been quarantined; prescribing a penalty for the violation thereof; fixing the venue where prosecutions may be had, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 627.

Mr. Sparkman moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 627, A bill to be entitled "An Act to amend Title 132, Revised Civil Statutes, 1911; Title 14, Chapter 8, Revised Penal Code, 1911; Articles 3879 and 6060, Revised Civil Statutes, 1911; Chapter 76, Acts of the Regular Session, Thirty-sixth Legislature of Texas; Chapter 86, Acts of the Regular Session, Thirty-seventh Legislature of Texas, and Chapter 22, Acts of the First Called Session, Thirty-seventh Legislature of Texas, so as to provide in substance as follows: Providing for the election and qualification of public weighers; providing for bond and oath of office; defining term of office; requiring the county clerk to certify election and qualification to the commissioner; prescribing qualifications and defining duties; providing for appointment of deputies; giving the commissioner supervision over public weighers; providing for form of certificates; providing for approval and testing of weighing and measuring devices; providing for fees of office; providing for seal of office and requiring its use; providing for certificates; providing who may issue certificates; creating certain penal offenses and prescribing penalties therefor; providing for removal from office and for the filling of vacancies; giving public weighers certain authority; providing for reweighing commodities where a doubt or difference arises as to correct weight; providing for the appointment of public weighers in certain towns, cities and shipping points, by the Governor, and providing for their regulation by the commissioner; providing for bond and for a seal; providing for

monthly reports; defining certain terms; repealing certain statutes; providing for putting this act into effect and making an appropriation therefor, and declaring an emergency."

The motion was lost.

HOUSE BILL NO. 420 ON SECOND READING.

On motion of Mr. Amsler, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 420, A bill to be entitled "An Act for refunding certain bonds of the State of Texas now owned by the permanent school fund; providing for the execution of new bonds in lieu thereof; providing method of exchange of said bonds; making appropriation to pay accrued interest and to pay expense of lithographing bonds, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Moore moved the previous question on the engrossment of the bill and the main question was ordered.

House bill No. 420 was then passed to engrossment.

COMMUNICATION FROM HON. R. E. THOMASON.

The following communication sent up by Mr. Stewart of Reeves was read to the House:

March 12, 1923.

Hon. W. W. Stewart, Austin, Texas.

Dear Mr. Stewart: I am enclosing herewith a copy of letter I am this morning sending to the Governor wherein I decline to serve as Commissioner for Texas at the Conference to be held in the matter of the Red Bluff Dam Project in which the people in your district along the Pecos river are so vitally interested.

As you well know, this appointment came to me more than a month ago and without my previous knowledge or solicitation. It has since been understood by all concerned that my services were to be without pay. I own no land in that country and have no interest directly or indirectly in the matter except as a citizen interested in the development of the desert West and acquainted with the struggles of the people along the Pecos river. I came to Austin yesterday on other business of a private nature and thought the de-

tails of the Conference had been arranged.

I am sure that some of the members of the House do not understand your bill. It is not an engineering matter but legal and judicial and one in which the treaty rights between two States and the Federal Government are involved. Much of the land in New Mexico that will be affected is public land, and the division and distribution of the water along the Great Water Shed near the line of the two States must be legally settled. Interstate and Federal questions are involved. If I am correctly informed, the Texas Board of Water Engineers as well as the Texas Reclamation Engineer acting with representatives of the Secretary of Interior at Washington are the ones who suggested the terms of your bill with the hope that years of litigation in the Federal courts might be avoided. It is the same plan recently followed by Secretary Hoover along the watershed covered by the States of Arizona, New Mexico and Colorado and since ratified by the Legislatures of those States.

Major Richard Burges who is an expert in irrigation, both from a practical and legal standpoint, and who is active in this matter, has just returned from Washington and informed me that the State of New Mexico had already acted and that the Federal Government is ready to do so as soon as Texas has shown its willingness. The Federal Government seems willing to build this dam if the States will show their interest and co-operation. The Pecos Valley in New Mexico about Roswell, Clovis and Artesia is already famous. If this dam is built and the water in that Great Water Shed stored then there will be ample water for farmers in Texas who own land along the Pecos River and thereby the taxable values in this State will be wonderfully enhanced and many of our West Texas farmers and home owners made prosperous and happy.

Yours very truly,
R. E. THOMASON.

(Copy)

March 12, 1923.

Gov. Pat. M. Neff, Austin, Texas.

My dear Governor: About a month ago, without my solicitation, you appointed me to represent the State of Texas at a Conference between the representatives of the State of Texas,

State of New Mexico and the United States to determine and adjudicate the water rights along the Pecos River under the irrigation project the Federal Government is now proposing to build and to be known as the Red Bluff Dam Project. I accepted the honor and agreed to serve without pay. I have spent a little of my own time and money in an effort to further this worthy undertaking.

I am now in Austin on other business and thought the details of the Conference had already been arranged. I heard the debate in the House last evening on the bill providing for the expenses of the Conference, and this is my resignation as Commissioner for Texas, as I am too busy with my own private and professional affairs to accept a place that is to be the subject of controversy and criticism. I wish, however, to again thank you for the honor and to express my sympathy for this great undertaking. The construction of this dam by the Federal Government, and the just and fair distribution of the waters of this river between the two States by agreement means much to the people of West Texas and will increase the taxable values of this State many thousands of dollars, as well as avoid litigation in the courts that would probably last for many years.

Yours very truly,
R. E. THOMASON.

RELATING TO RESIGNATION OF HON. R. E. THOMASON.

Mr. Carpenter of Dallas offered the following resolution:

Whereas, The House of Representatives has heard with regret that Hon. Robert Ewing Thomason of El Paso has tendered to the Governor of Texas his resignation as commissioner in reference to the controversy with the State of New Mexico concerning the division of the waters of the Pecos river; now, therefore, be it

Resolved, That the House of Representatives request the Governor to refuse to accept said resignation.

The resolution was read second time.

On motion of Mr. Smith, the resolution was adopted by a rising vote.

HOUSE BILL NO. 577 ON SECOND READING.

On motion of Mr. McNatt, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 577, A bill to be entitled "An Act to amend Article 2862 of the Revised Civil Statutes of the State of Texas, 1911, so as to permit independent school districts to have their taxes assessed and collected by the county assessor and the county collector without being required to have such assessments made at the same valuations that are used for State and county taxation, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

HOUSE BILL NO. 296 ON SECOND READING.

On motion of Mr. Morgan of Liberty, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 296, A bill to be entitled "An Act to amend Article 6863, Chapter 1, Title 119, of the Revised Civil Statutes of Texas, 1911, which article relates to the laying out and opening of first class roads by the commissioners courts of the several counties and prescribes certain regulations with reference thereto; removing the restriction contained in said article prohibiting the layout of such roads across orchards, lots or within one hundred feet of a residence without consent of the owners, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and failed to pass to engrossment.

HOUSE BILL NO. 112 ON SECOND READING.

On motion of Mr. Quinn, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 112, A bill to be entitled "An Act to amend Article 5988 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 40 of the Acts of the Thirty-fifth Legislature, Regular Session, approved February 23, 1917, so as to authorize the navigation and canal commissioners of navigation districts to fix the amount of the treasurer's bond in such sum as they deem proper."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

HOUSE BILL NO. 174 ON SECOND
READING.

On motion of Mr. Stewart of Edwards, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 174, A bill to be entitled "An Act to authorize any county for the purpose of constructing, maintaining and operating public roads, whether such roads are macadamized, graveled or paved, or built of other material, to use timber, earth, sand, stone, gravel or other necessary materials convenient therefor, and to provide for the condemnation of such road material, and prescribing condemnation proceedings, and providing compensation for such material, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

RELATING TO VOTE ON HOUSE
BILL NO. 189.

Mr. Culp moved to reconsider the vote by which House bill No. 189 failed to pass to engrossment.

On motion of Mr. Hardin of Kaufman, the motion to reconsider was tabled.

HOUSE BILL NO. 436 ON SECOND
READING.

On motion of Mr. Fugler, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 436, A bill to be entitled "An Act prohibiting the purchase and sale, and the transporting or shipment for the purpose of purchase or sale, or barter or trade of crappie and bass taken from the fresh waters of the State of Texas during the months of December, January, February, March and April, each inclusive, of any year; providing a penalty therefor; repealing laws in conflict therewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Fugler offered the following amendment to the bill:

Amend House bill No. 436, page 1, line 19, by striking out the word "December" and insert "January" in lieu thereof.

Mr. Abney offered the following substitute for the amendment:

Strike out all below enacting clause and insert in lieu thereof the following:

Section 1. It shall be unlawful for any person, firm or corporation to buy, sell, offer to buy, offer to sell, to carry, transport, or ship fresh water crappie or bass, or any species thereof during the period from the first day of February to the first day of May of any year.

Sec. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine in any sum not less than twenty-five dollars (\$25) and not more than two hundred and fifty dollars (\$250).

Sec. 3. The provisions of this act shall not apply to any county in this State subject to the provisions of a local fish law.

Sec. 4. The fact that the present laws for the protection of crappie and bass is inadequate to protect the same during the spawning season creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the said constitutional rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the substitute be adopted?

Mr. Stewart of Jasper raised a point of order on further consideration of the bill at this time on the ground that the time for consideration of House bills on second reading has expired.

The Speaker sustained the point of order.

RECESS.

Mr. Abney moved that the House adjourn until 9 o'clock a. m. next Monday.

Mr. Jones moved that the House recess to 2:30 o'clock p. m. today.

The motion of Mr. Jones prevailed and the House accordingly, at 1:10 o'clock p. m., took recess to 2:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 224 ON SECOND
READING.

On motion of Mr. Irwin, by unanimous consent, the regular order of business was suspended to take up and have

placed on its second reading and passage to engrossment,

H. B. No. 224, A bill to be entitled "An Act making it an offense to drive an automobile or any motor-driven vehicle upon the streets of any incorporated city, town or village or upon the public highways under the influence of intoxicating liquor, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

SENATE BILL NO. 267 ON SECOND READING.

On motion of Mr. Montgomery, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 267, A bill to be entitled "An Act authorizing counties to issue bonds under Section 52 of Article 3 of the Constitution for irrigation purposes; empowering such counties to construct, purchase and acquire reservoirs, dams, levees, wells, canals, laterals, ditches, pumping plants and other improvements required for the proper and efficient irrigation of the land in such counties; to hold elections upon the question of issuing bonds and the levy of taxes for their payment; providing for the levy and collection of such taxes; providing for the control, management and operation of the irrigation system of such counties; providing for the issuance of notes by such counties for certain irrigation purposes, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Montgomery offered the following amendments to the bill:

(1)

Amend Senate bill No. 267, page 2, line 8, by adding after the figure "3" the following: "or Section 59 of Article 16."

(2)

Amend Senate bill No. 267, page 2, line 31, after the figure "3" by adding the following: "or Section 59 of Article 16."

(3)

Amend Senate bill No. 267 by adding thereto in line 17, page 2, after figure 3 on said line "or organized under Section 59 of Article 16."

(4)

Amend Senate bill No. 267 in caption, page 1, line 21, after the figure "3," by

adding the following, "or Section 59 of Article 16," and by adding on page 1, line 21, after the word "Constitution" the words "for the reclamation of lands and."

(5)

Amend Senate bill No. 267 by adding between Sections 14 and 15 two new sections to be designated as Sections 14a and 14b, as follows:

"Section 14a. It is expressly provided that the terms of this act shall not in any manner apply to any county in this State except such county as may have been relieved from the payment of taxes for a term of years by act of the Legislature under and by virtue of the provisions of Section 10 of Article 8 of the Constitution of the State of Texas."

"Section 14b. Any county authorized, under the provisions of this act, to issue bonds may issue such bonds for the improvement of rivers, creeks and streams to prevent overflow and for all necessary drainage purposes in connection therewith, and bonds proposed to be issued for the combined purposes stated in this act, or for any two of said purposes, shall be treated and deemed as for one purpose and may be voted upon as one proposition."

The amendments were severally adopted.

Senate bill No. 267 was then passed to third reading.

SENATE BILL NO. 394 ON SECOND READING.

On motion of Mr. Quaid, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 394, A bill to be entitled "An Act making an appropriation for printing to the State Department of Education to print the necessary blanks and bulletins pertaining to the scholastic year 1922-1923, and in order that bulletin forms and blanks for the public schools may be prepared as nearly as possible by the opening of the scholastic year 1923-1924, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to third reading.

SENATE BILL NO. 251 ON SECOND READING.

On motion of Mr. Chitwood, the regular order of business was suspended to take up and have placed on its sec-

ond reading and passage to third reading.

S. B. No. 251, A bill to be entitled "An Act to amend Article 2904, Revised Statutes, 1911, forbidding trustees and teachers to be interested in the sale of text books, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to third reading.

HOUSE BILL NO. 264 ON SECOND READING.

On motion of Mr. Baldwin, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 264, A bill to be entitled "An Act to amend Section 1 of Chapter 65, of the Acts of 1919 enacted at the Second Called Session of the Thirty-sixth Legislature, it being also Article 2817½ of the volume known as Complete Texas Statutes, 1920; so as to provide that the notice of the election for the consolidation of two or more common school districts, therein provided for, may be given by either the sheriff or the county judge, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Baldwin offered the following amendments to the bill:

Amend House bill No. 264 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That in any case where an election is lawfully ordered by the county judge upon the subject of the consolidation of two or more common school districts within this State, such notice shall be sufficient, if given by either the county judge or the sheriff, in the manner and for the time which may be prescribed by the general laws.

Sec. 2. The fact that the existing law upon this subject is frequently misunderstood and notices of such elections are being frequently given without complying therewith, whereby the invalid attempts to create such districts are causing confusion and delay in the prosecution of educational work and advancement in the territories thus sought to be created, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house and that this act shall take effect and be in force

from and after its passage and said rule is hereby suspended, and it is so enacted.

Amend House bill No. 264 by striking out all before the enacting clause and inserting in lieu thereof the following:

A bill to be entitled "An Act providing for the method of giving notice of elections for the consolidation of common school districts under the general laws, and declaring an emergency."

The amendments were severally adopted.

House bill No. 264 was then passed to engrossment.

HOUSE BILL NO. 351 ON SECOND READING

On motion of Mr. Price, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 351, A bill to be entitled "An Act to amend Title 10 of the Code of Criminal Procedure of the State of Texas, as revised and adopted in 1911, by inserting immediately following Article 905 of said title, a new article to be known as Article 905A, requiring clerks of trial courts to notify clerks of courts of criminal appeals of the release of a convicted person on appeal bond, and requiring a certified copy of appeal bond to accompany the notification; and requiring a like notification on the surrender to a sheriff of a convicted person by his bondsmen pending the appeal of his case to Court of Criminal Appeals."

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

HOUSE BILL NO. 636 ON SECOND READING.

On motion of Mr. Bonham, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 636, A bill to be entitled "An Act to amend Section 1, Chapter 65, Acts of the Thirty-sixth Legislature, Second Called Session, providing for the dissolution of consolidated school districts by majority vote of the qualified voters of the district at an election held for that purpose, and declaring an emergency."

The Speaker laid the bill before the

House, it was read second time and was passed to engrossment.

RELATING TO VOTE OF MEMBER.

Mr. Jones offered the following resolution:

Whereas, It appears that a member of the House, on Saturday night, March 10, 1923, voted for an absent member; and

Whereas, Said member doing said voting failed and refused to explain said unauthorized voting after being requested so to do; and

Whereas, The conduct of said member was and is highly improper; therefore, be it

Resolved:

First. That a committee of five members be appointed to make investigation and report its findings and recommendations, if any, back to the Thirty-eighth Legislature at its regular or special session.

Second. That said investigating committee shall have full power to summon and swear witnesses and have all the powers of a district court.

Signed—Jones, Quaid.

The resolution was read second time and was adopted.

SENATE BILL NO. 338 ON SECOND READING.

On motion of Mr. Bell, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 338, A bill to be entitled "An Act to amend Section 52 of Article 30, Title 5, of the Revised Statutes, changing the time of holding the terms of the district court of the Fifty-second Judicial District of Texas; repealing all laws in conflict therewith, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

HOUSE BILL NO. 392 ON SECOND READING.

On motion of Mr. Gipson, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 392, A bill to be entitled "An Act declaring any person related within the third degree by affinity or consanguinity to an heir, legatee or devisee who is a minor or person non

compos mentis under estate within the provisions of Title 52 of the Revised Statutes of 1911, to be a person interested in such estate and authorized to do any act which a person so interested may do under the provisions of said Title 21 of the Revised Civil Statutes of 1911, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Gipson offered the following amendments to the bill:

Strike out all below the enacting clause and insert the following:

Section 1. In any probate proceeding pending in the courts of this State, if any heir, legatee or devisee to the whole or a part of the estate involved in such proceeding, be a minor or a non compos mentis, any person related to such minor or non compos mentis within the third degree by affinity or consanguinity shall be held a person interested in such estate, and shall be entitled to appear in such proceeding and take any action therein which the minor or non compos mentis could take if of lawful age and under no disability, including the right to review any order made in such proceeding by appeal, certiorari or writ of error; provided that this act shall not authorize such person to receive any of the property or money of such minor or non compos mentis.

Sec. 2. Inasmuch as there is no adequate provisions now for the protection of the interests of a minor or person non compos mentis who is a devisee, legatee or heir of an estate being administered under the laws of Texas, to place a check upon the acts of the administrator or executor by permitting persons having an interest other than financial to object to the acts of the administrator or executor, creates an emergency for the passage of this act, and the same shall become in full force and effect upon and after its passage.

Strike out all above the enacting clause and insert the following:

"An Act providing that in probate proceedings certain relations of any minor or non compos mentis who is the heir, legatee or devisee of the whole or a part of the estate involved in such proceeding, shall be held to be an interested person in the estate, and declaring an emergency."

The amendments were severally adopted.

House bill No. 392 was then passed to engrossment.

NOTICE GIVEN.

Mr. Teer gave notice that he would on tomorrow call up for consideration at that time Senate bill No. 132, which bill had heretofore been laid on the table subject to call.

SENATE BILL NO. 287 ON SECOND READING.

On motion of Mr. Perdue, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 287, A bill to be entitled "An Act to amend Article 6272 of the Revised Statutes of Texas, defining indigency and in that particular describing who and under what conditions shall be entitled to the rights and privileges of a Confederate pension and who shall be entitled to become an inmate of the Confederate Home or other public institution at the expense of the State."

The Speaker laid the bill before the House, it was read second time, and was passed to third reading.

SENATE BILL NO. 257 ON SECOND READING.

On motion of Mr. Baker of Milam, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 257, A bill to be entitled "An Act to amend Sections 1 and 2, Chapter 49, General Laws of the Regular Session of the Thirty-fourth Legislature, raising the maximum age prescribed for compulsory attendance in the public schools of the State; increasing the compulsory school attendance period; restating certain exemptions under said act, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

SENATE BILL NO. 262 ON SECOND READING.

On motion of Mr. Sackett, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 262, A bill to be entitled "An Act to amend an act to reorganize the Thirty-fifth and Twenty-seventh Judicial Districts of Texas, passed by the Twenty-ninth Legislature, Chapter 37, as amended by the Second Called Session of the Thirty-first Legislature, Chapter 3; as fur-

ther amended by the Regular Session of the Thirty-third Legislature, Chapter 61; and as further amended by the Acts of the Regular Session of the Thirty-seventh Legislature, Chapter 31, page 75; and to reorganize the Thirty-fifth Judicial District of Texas, to name the counties composing said Thirty-fifth Judicial District, to fix the time of holding court in the counties composing said Thirty-fifth Judicial District, to provide for the extension and return of process issued out of said courts, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Sackett offered the following (committee) amendment to the bill:

Amend Senate bill No. 262, Section 1, page 1, line 8, of said section by striking out the word "twenty-fourth," and insert in lieu thereof the word "twenty-third," and in line 9 of said Section 1, after the word "session" insert the words "five weeks or," strike out in line 16 of said section the word "five," and in lieu thereof insert the word "four."

Strike out on page 2 of the bill wherever they occur the words "last Monday in August," and insert in lieu thereof the words "first Monday in September."

The amendment was adopted.

Senate bill No. 262 was then passed to third reading.

SENATE BILL NO. 143 ON THIRD READING.

On motion of Mr. Carpenter of Dallas, the regular order of business was suspended to take up and have placed on its third reading and final passage.

S. B. No. 143, A bill to be entitled "An Act to amend Chapter 32 of the First Called Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to regulate and supervise the sale and purchase in this State of stocks of private, foreign and domestic corporations being organized, and hereafter organized, or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale or purchase of such stock of such corporations, or proposed corporations, and to fix commission and promotion fees allowed to be charged and providing for service of process, examination fees, and exempting certain corporations from the effect of this act, providing

penalties for the violation of the provisions of this act, and declaring an emergency,' by adding thereto Section 14a, providing that the terms and provisions of this act shall not apply to any public service corporation doing business under the laws of this State, whose rates or charges are fixed or regulated by laws or by any governmental agency of this State."

The Speaker laid the bill before the House, it was read third time, and was passed.

BILLS ORDERED NOT PRINTED.

On motion of Mr. McFarlane, Senate bills Nos. 259 and 260 were ordered not printed.

SENATE BILL NO. 325 ON SECOND READING.

On motion of Mr. Shearer, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 325, A bill to be entitled "An Act amending Articles 10, 15, 27, 31, 32, 39, 40, 50, 53 and 63 of an act passed at the First Called Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act creating the office of Game, Fish and Oyster Commissioner; providing for the protection of fish and other marine life,' being Senate bill No. 107, Chapter 73 of the General Laws of the said First Called Session, changing certain penalties therein; making necessary changes in regulations; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to third reading.

SENATE BILL NO. 370 ON SECOND READING.

On motion of Mr. Laird, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 370, A bill to be entitled "An Act amending Section 1 of Chapter 110 of the General Laws of the Regular Session of the Thirty-seventh Legislature, so as to permit steam and electric railroads, transportation companies or sleeping car companies, to furnish transportation to veterans of the Civil War at a rate of one cent per mile, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Purl offered the following amendment to the bill:

Amend Senate bill No. 370 by adding another section which shall be known as Section —:

"Also permit steam and electric railroads to transport honorably discharged soldiers, sailors, marines and Red Cross nurses of the late World War to and from the annual convention, Department of Texas American Legion, for one cent a mile."

Question—Shall the amendment be adopted?

ADJOURNMENT.

On motion of Mr. Hardin of Kaufman, the House, at 4:50 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, March 10, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 464, A bill to be entitled, "An Act to facilitate the marketing and distribution of the natural resources of the State, and the products manufactured therefrom, by extending the right of condemnation to certain corporations, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 282, A bill to be entitled "An Act amending Article 2954 of the Revised Civil Statutes of the State of Texas of 1911, providing that citizens of Texas, who are qualified electors, who will reach the age of 21 years after the first day of February and before the day of a following election, shall be entitled to vote at such election without having paid a poll tax and without having obtained an exemption certificate; providing procedure in case the vote of

such person is challenged, and declaring an emergency."

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, March 10, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 315, A bill to be entitled "An Act to provide for certain sanitary requirements of bottling plants and soft drink stands; to prohibit the use of saccharin in carbonated or still beverages and to provide for a penalty, and to create an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 99, A bill to be entitled "An Act fixing the compensation of county commissioners in counties containing less than eighteen thousand inhabitants, and constituting a separate judicial district,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 693, A bill to be entitled "An Act to amend Section 1 of Chapter 7, being House bill No. 96, passed by the Regular Session of the Thirty-third Legislature of the State of Texas, and entitled 'An Act creating an independent school district to be known as Calallen Independent School District, and to provide,' etc.; and also to amend Section 1, Chapter 22, being House bill No. 35, passed at the First Called Session of the Thirty-second Legislature of the State of Texas and entitled 'An Act to create the Robstown Independent School District,' etc.; prorating the indebtedness against the Calallen Independent School District, providing that the entire

Robstown Independent School District may, by an election held for that purpose, assume and become liable for the amount of indebtedness prorated against that portion of said Robstown Independent School District by this act attached thereto formerly belonging to the Calallen Independent School District, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 3, A bill to be entitled "An Act to provide for the purchase and conveyance to the State of Texas of the land in the city of San Antonio known as the Ancient Government Palace property, which was the building used as the capitol of the ancient province of Texas; and for the care and preservation of said property; and appropriating the sum of fifty-seven thousand (\$57,000) dollars to carry out the provisions of this act,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 664, A bill to be entitled "An Act amending Section 124a of Chapter 124 of the General Laws of the Regular Session of the Twenty-ninth Legislature, page 296, so as to make it a felony to violate said section, said section being upon the subject of preventing fraud in teachers' examinations, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 694, A bill to be entitled "An Act authorizing the appointment of

a person to represent the State of Texas in a conference with representatives of the United States and the State of New Mexico with a view to negotiating an agreement concerning the storage, division and use of the waters of the Pecos River in New Mexico and Texas; authorizing the gathering of data and information necessary thereto; prescribing the authority and duties of such representatives; prescribing the method of reaching such agreement and having the same agreed to and ratified by the State Legislature and approved by the Governor; making an appropriation to carry out the purposes of the act, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 435, A bill to be entitled "An Act regulating the lighting of all motor vehicles and horse drawn vehicles operating upon the highways of Texas; providing for the testing of such lighting devices and approval of same by the State Highway Commission before being used on any motor vehicle operated within this State; giving the highway commission power to test and approve such lighting devices, and providing that they shall charge a fee sufficient to cover the actual expense for conducting such test; providing penalties for the violation of this act; repealing all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 44, A bill to be entitled "An Act to preserve and protect the wild fur-bearing animals of this State; declaring wild fur-bearing animals to be the property of the State; providing for the issuance of trappers' licenses and the disposition of the license fees; defining offenses and prescribing penalties for

the violation thereof; and making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 641, A bill to be entitled "An Act to amend Section 2, Chapter 23 of the Thirty-sixth Legislature, Second Called Session, providing for the setting apart of an amount sufficient to purchase and distribute the necessary school books for the use of the public free schools of this State; repealing all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, March 11, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 671, A bill to be entitled "An Act to amend Section 16 of Chapter 60, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, making it an offense to remove any domestic animal or animals which have been quarantined; prescribing a penalty for the violation thereof; fixing the venue where prosecutions may be had, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

FORTY-FOURTH DAY.

(Monday, March 12, 1923.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and developed a fact that there was not a quorum present.

Mr. Burmeister moved a call of the House for the purpose of securing a